

AARON D. FORD
Nevada Attorney General
SCOTT H. HUSBANDS
Senior Deputy Attorney General
Nevada Bar No. 11398
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, NV 89511
(775) 687-2142 (phone)
(775) 688-1822 (fax)
Email: shusband@ag.nv.gov
Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH MORGAN, an Individual

Case No.: 2:19-cv-02239-KJD-DJA

Plaintiff,

vs.

**DEFENDANTS' REQUEST FOR
EXCEPTION TO ATTENDANCE
REQUIREMENTS FOR SETTLEMENT
CONFERENCE**

STATE OF NEVADA, *ex rel.* its
DEPARTMENT OF BUSINESS AND
INDUSTRY, STATE OF NEVADA, *ex rel.* its
TAXICAB AUTHORITY; BRUCE
BRESLOW, in his individual capacity; TERRY
REYNOLDS, in his individual capacity;
SCOTT WHITTEMORE, in his individual
capacity; RUBEN AQUINO, in his individual
capacity; GENEVIEVE HUDSON, in her
individual capacity; RONALD GROGAN, in
his individual capacity;
CHARLES HARVEY, in his individual
capacity; ANTOINE "CHRIS" RIVERS, in his
individual capacity; CJ MANTHE, in her
individual capacity; DOES I through X
inclusive; and ROES XI through XX, inclusive,

Defendants.

Pursuant to ECF No. 57 and 59, Defendants STATE OF NEVADA, *ex rel.* its
DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, *ex rel.* its
TAXICAB AUTHORITY (together "the Agency Defendants") and BRUCE BRESLOW,
TERRY REYNOLDS, SCOTT WHITTEMORE, RUBEN AQUINO, GENEVIEVE HUDSON,

1 RONALD GROGAN, CHARLES HARVEY, ANTOINE “CHRIS” RIVERS AND C. J.
2 MANTHE (each an “Individual Defendant” and collectively the “Individual Defendants” and
3 together with the Agency Defendants “the Defendants”), by and through their attorneys of
4 record, AARON D. FORD, Attorney General for the State of Nevada, SCOTT H. HUSBANDS,
5 Senior Deputy Attorney General, hereby submit this written request to the in-person attendance
6 requirements for the March 8, 2024 settlement conference in this matter. Defendants’ submit
7 that good cause exists for the exception requested below and that the proposed exception will
8 further the parties’ ability to focus on substantive settlement discussions. The defendants’
9 counsel has met and conferred on this issue with Mr. Morgan’s counsel via electronic mail. Mr.
10 Morgan’s counsel is agreeable to the request on the condition that those in attendance in person
11 have the authority to settle the matter in full on behalf of all named parties. As set forth below,
12 those who attend in person on behalf of the Defendants will have the authority to settle the
13 matter in its entirety on behalf of all named Defendants.
14

15
16 ECF No. 57 states that all attorneys of record, individual parties, fully authorized
17 representatives, and fully authorized insurance representatives must personally appear for the
18 settlement conference unless a request is made and granted for an exception to this requirement.
19 (ECF No. 57). ECF No. 57 requires such a request to be filed and served on all parties at least 14
20 days before the settlement conference. With the settlement conference set for March 8, 2024, the
21 deadline to submit a request is Friday, February 23, 2024. Defendants’ request is therefore
22 timely under ECF No. 57.
23

24 Defendants request that the Individual Defendants be excepted from the requirement to
25 attend the settlement conference. Defendants make this request for three reasons. First, the
26 logistics and cost of having all nine of the Individual Defendants attend would be challenging
27 and very burdensome. For those residing outside of the Las Vegas area, travel expenses would
28

1 be incurred. While not much of an issue for one or two parties, this is a significant expense for
2 nine individual parties. The cost of this significant expense is one that should be saved in the
3 interest of channeling those funds toward any potential settlement. Relatedly, having nine
4 additional parties attend will greatly increase the amount of time it will take to work towards an
5 agreeable resolution. The settlement conference will be much more efficient and less costly if
6 the Defendants' representatives in physical attendance are permitted to carry global authority to
7 resolve the matter in its entirety on behalf of all Defendants. The proposed persons in attendance
8 on behalf of all Defendants would be as follows:

10 1. Deputy Director Perry Faigin. Deputy Director Faigin is a Deputy Director for the
11 State of Nevada's Department of Business and Industry. He is primarily responsible
12 for administrative issues and personnel issues. He is intimately familiar with the
13 details of this lawsuit and will have the authority to settle the matter on behalf of the
14 Department of Business and Industry, the Taxicab Authority, and all other named
15 Defendants including the Individual Defendants. It is possible that Deputy Director
16 Faigin will be joined by the current Director of the Department of Business Industry,
17 Dr. Kristopher Sanchez. Taxicab Authority Interim Administrator Todd Park may
18 also join in person. Both Dr. Sanchez and Interim Administrator Park would be
19 reachable by those in attendance if they did not attend. Those who do attend will
20 have full authority to resolve the matter on behalf of all those present and all those
21 who have been excepted from the attendance requirement.

24 2. Senior Deputy Attorney General Scott H. Husbands. The undersigned counsel is
25 counsel of record for all 11 Defendants and has represented all 11 Defendants since
26 the inception of this matter. The undersigned counsel will possess full authority to
27 resolve the matter on behalf of all 11 of his clients.
28

1 3. Tort Claims Manager Nancy L. Katafias. The Tort Claims Manager is a necessary
2 part of any settlement conference and possesses the financial authority to commit the
3 State's Tort Claims Fund to any financial obligation in principle pending any
4 approvals required by applicable state law. Ms. Katafias will have the authority to
5 fully resolve the matter on behalf of all Defendants.
6

7 Second, while all Defendants will have to agree to and sign any settlement agreement, all
8 Defendants are currently represented by the undersigned and have been represented by the
9 undersigned since this lawsuit was filed. Thus far, there have been no conflicts of interest that
10 have arisen, and the undersigned counsel will be able to represent the interests of all 11
11 Defendants at the settlement conference. Further, the Tort Claims Manager from the Office of
12 the Attorney General will be in attendance personally at the settlement conference. As the Court
13 is likely familiar, the Tort Claims Manager is a necessary participant in any settlement
14 conference where the state, its agencies, and/or its officers or employees are named as
15 defendants. The Tort Claims Manager's agreement to any settlement is a necessary condition for
16 approval of any settlement and the Tort Claims Manager arrives at a settlement conference with
17 full authority to resolve the matter on behalf of all state-related parties. Thus, the Tort Claims
18 Manager's attendance will be on behalf of the Individual Defendants whose interests will jointly
19 be represented by the undersigned counsel and the Tort Claims Manager.
20
21

22 Lastly, as a practical matter, the non-presence of the nine individual defendants may
23 improve the parties' chances of resolving the matter. Such an arrangement will avoid the
24 possibility of interpersonal issues interfering with the business of settlement discussions. This is
25 a significant benefit in addition to the logistical benefit of reducing the number of parties to
26 accommodate and speak with during the settlement conference.
27
28

1 Overall, the Defendants' request is made for the purposes of streamlining the settlement
2 conference and putting the parties in the best position possible for a resolution. The non-
3 presence of the Individual Defendants will in no way impede an agreement in principle and those
4 in attendance will arrive with the full authority needed to resolve the matter in its entirety on
5 behalf of all named parties.
6

7 In sum, the Defendants request that the Individual Defendants be excepted from the
8 requirement to attend the settlement conference. The undersigned counsel will make
9 arrangements with each Individual Defendant to be reachable during the conference should a
10 question or issue arise.

11 DATED this 23rd day of February 2024.

12
13 By: /s/ Scott H. Husbands
14 SCOTT H. HUSBANDS, ESQ.
15 Senior Deputy Attorney General
16 Nevada Bar No. 11398
17 5420 Kietzke Lane, Suite 202
18 Reno, NV 89511
19 **Attorney for Defendants**

20 **IT IS SO ORDERED:**

21 DATED this 26th day of February, 2024.

22
23
24
25
26
27
28

UNITED STATES MAGISTRATE JUDGE